

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Mark Vincent Kaplan (SBN 58836)
 James M. Simon (SBN 109913)
 KAPLAN & SIMON, L.L.P.
 2049 Century Park East, Suite 2660
 Los Angeles, CA 90067

TELEPHONE NO.: (310) 277-9009

FAX NO.: (310) 552-1970

ATTORNEY FOR (Name): Kevin Federline

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

PETITIONER/PLAINTIFF: BRITNEY SPEARS

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

FILED
 LOS ANGELES SUPERIOR COURT
 OCT 24 2007
 JOHN A. CLARKE, CLERK
 M. Arnold
 BY M. ARNOLD, DEPUTY

RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE
 OR NOTICE OF MOTION RE PROTECTIVE ORDER

CASE NUMBER:

HEARING DATE:

October 26, 2007

TIME:

8:30 a.m.

DEPARTMENT OR ROOM:

88

BD 455 662

1. CHILD CUSTODY
 - a. I consent to the order requested.
 - b. I do not consent to the order requested but I consent to the following order:
2. CHILD VISITATION
 - a. I consent to the order requested.
 - b. I do not consent to the order requested but I consent to the following order:
3. CHILD SUPPORT
 - a. I consent to the order requested.
 - b. I consent to guideline support.
 - c. I do not consent to the order requested, but I consent to the following order:
 - (1) Guideline
 - (2) Other (specify):
4. SPOUSAL SUPPORT
 - a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:
5. ATTORNEY FEES AND COSTS
 - a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

PETITIONER/PLAINTIFF: BRITNEY SPEARS

CASE NUMBER:

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

BD 455 662

6. PROPERTY RESTRAINT

- a. I consent to the order requested.
- b. I do not consent to the order requested.
- c. I consent to the following order:

7. PROPERTY CONTROL

- a. I consent to the order requested.
- b. I do not consent to the order requested.
- c. I consent to the following order:

8. OTHER RELIEF

- a. I consent to the order requested.
- b. I do not consent to the order requested.
- c. I consent to the following order: See Attachment 8

9. SUPPORTING INFORMATION

contained in the attached declaration.

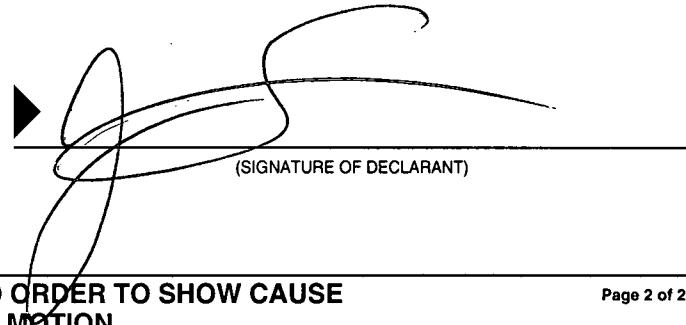
NOTE: To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 24, 2007

James M. Simon

(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

ATTACHMENT 8

2 Respondent consents to the following order (for the convenience of the Court and
3 counsel, the material variances between Petitioner's proposed order and Respondent's
4 proposed order are in bold):

5 1. No individual other than the parties, their counsel, **the videographer**, and the
6 certified shorthand reporter shall be present at the deposition of Petitioner.

7 2. The deposition shall be confidential. The attorneys, the parties, and the court
8 reporter are restrained and enjoined from discussing or referencing the testimony at
9 Petitioner's deposition with any non-parties, except in court, or (i) to experts and/or
10 consultants retained by either party in connection with this case provided that the experts
11 and consultants first read and agree to be bound by this confidentiality order; (ii) to Jane
12 Shatz; and (iii) to non-parties that counsel has a reasonable and good faith belief
13 have information relevant to the testimony and to whom disclosure shall be limited
14 to the relevant testimony.

15 3. The deposition
16 transcript and any other documents submitted to the Court that contain portions of the
17 testimony shall be submitted under seal **to the extent such testimony contains**
18 **information of the kind which is to be redacted and sealed under the sealing order**
19 **entered September 17, 2007 as described at pages 11-12 thereof, and the same**
20 **procedures regarding redacting and sealing as described at pages 12-15 of that**
21 **order shall apply to such testimony.**

22 4. Petitioner's counsel shall maintain the original of the transcript, and a certified
23 copy, and Respondent's counsel shall have a certified copy. No other copies of the
24 transcript shall be made, with the exception that a copy may be made and sent to Jane
25 Shatz, or other court appointed experts and to any experts and/or consultants retained by
26 the parties in this proceeding provided that first such experts and consultants read and
27 agree that he or she is bound by the confidentiality order.

1 5. If either party wishes to provide a copy of the transcript to any other
2 individual, the party shall first submit the issue to the Court upon **ex parte application or**
3 noticed motion for a determination of whether or not such copy may be released. The
4 parties shall have the right to review the transcript, however, they may only do so in the
5 office of their respective counsel and they shall not receive a copy.

6 6. **This order is without prejudice to the right of either party to apply to the**
7 **Court to supplement or modify the order at any time.**

KAPLAN & SIMON, L.L.P.
ATTORNEYS AT LAW
2049 CENTURY PARK EAST, SUITE 2660
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (310) 277-9009
FACSIMILE: (310) 552-1970

8/1/2001/30

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**PETITIONER'S MOTION FOR PROTECTIVE ORDER SHOULD BE DENIED
FOR FAILURE TO MEET AND CONFER**

A motion for protective order must be accompanied by a meet and confer declaration which shall state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. C.C.P. §§ 2016.50, 2017.020 and 2025.420(a).

Respondent has formally noticed Petitioner's deposition four times dating back to November 2006. Each of the four notices included that Respondent may record the testimony by videotape, including two deposition notices served after the filing of the Respondent's subject OSC to modify custody. On September 26, 2007, Petitioner's present counsel, in receipt of the last such notice, confirmed that Petitioner would appear for her deposition on October 22, 2007. On October 15, 2007, just one week before the deposition, Petitioner's counsel requested for the first time a broad protective order, including that there would be no discussion or reference to Petitioner's testimony except in Court in connection with this proceeding. On October 17, 2007, as directed by Anne Kiley, Respondent's counsel sent a letter to Hilary Slevin in a good faith attempt to informally resolve the matter, and he set forth a detailed proposal for a reasonable protective order. The only response Respondent's counsel received to his letter was a letter from Ms. Slevin on October 18, 2007 stating that she had not had a chance to discuss the proposal with Ms. Kiley. Later that same day, Petitioner's motion for protective order was filed, the first notice of which Respondent's counsel received from the clerk of the Court.

Petitioner's tardy motion for a protective order is not a justification for failing to comply with the meet and confer requirements under the Code, and the Court should summarily deny the motion.

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II.

**PETITIONER HAS FAILED TO ESTABLISH GOOD CAUSE TO PROHIBIT
THE VIDEOTAPE OF HER DEPOSITION**

Generally, a deponent seeking a protective order will be required to show that the burden, expense, or intrusiveness involved in the videotaped deposition clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017, subd. (c).)

Emerson Elec. Co. V. Sup. Ct. (Grayson) 16 Cal.4th 1101, 1110 (1977)

Respondent shares Petitioner's concern that confidential information is being leaked to the media. However, Petitioner's claimed desire to protect the children from embarrassment through exposure of her testimony to the media is hypocritical, given Petitioner's history of exposing herself and the children to the media. For example, as described in the reports of the monitors filed with the Court, during her limited visits Petitioner has needlessly taken the children on shopping excursions and driving trips for the benefit of Petitioner knowing of the risk of exposure to paparazzi. Respondent, on the other hand, has made a conscious effort to shield the children from the media and from being photographed while with Respondent. In addition, Petitioner's counsel has been quoted in the media with regard to the closed proceedings. It is to a certain extent a matter of convenience for Petitioner to now raise last minute concerns about media exposure as a basis to continue to delay Respondent from taking her deposition and to prohibit Respondent from utilizing a valuable discovery tool approved by the legislature.

Moreover, the risk of media exposure does not clearly outweigh the benefits of videotaping the testimony. Pursuant to Evidence Code section 780 subdivision (a), the Court may consider in determining the credibility of a witness - "His demeanor while testifying and the manner in which he testifies." Petitioner argues that there is no need for a video record, as Petitioner will be available to the Court as a witness. This argument is without merit. Unless Petitioner's testimony is videotaped, the Court will

1 have no ability to assess the credibility of her deposition testimony based on her
2 demeanor while testifying at her deposition, e.g., tone of voice, shifty eyes, long
3 pauses, facial expressions, body language, etc.

[A] legislative purpose for initially authorizing videotaping of depositions, under former Code of Civil Procedure section [16 Cal.4th 1109] 2019, was precisely to allow the recording of nonverbal as well as verbal responses by a deponent. A report by the Assembly Committee on Judiciary thus refers to the "improvements" in the discovery procedures under that provision-which were continued under the Civil Discovery Act of 1986 (see Code Civ. Proc. § 2025, subd. (l))-as including the use of videotaping to "permit the recording of both the spoken word and gestures and demeanor of witnesses." (Assem. Com. on Judiciary, Analysis of Assem. Bill No. 2473 (1979-1980 Reg. Sess.) p. 2.)

¹⁴ *Emerson Elec. Co., supra*, at 1109-1110.

15 An example of the advantage of a video record arose during Petitioner's
16 exchange with the Court on October 11, 2007. Following the Court's detailed
17 explanations to Petitioner with regard to how and why the Court arrived at the current
18 orders, Petitioner responded in a tone laced with sarcasm: "It is nice to hear that
19 everyone is really for the kids because I totally agree with that." Had that statement
20 been recorded only in a "cold" transcript outside the presence of the Court, the Court
21 would have no ability to assess the true meaning of Petitioner's statement.

22 The importance of the assessment of Petitioner's credibility is not limited to the
23 Court. A child custody evaluator has been appointed to conduct an evaluation and
24 issue a report to the Court. This report will include an assessment of the credibility and
25 psychological well-being of the parties. In making these assessments, it is
26 advantageous for the same reasons described above for the evaluator to have a
27 videotape of the deposition, as distinguished from a transcript which is subject to
28 misinterpretation.

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III.

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**PETITIONER HAS FAILED TO ESTABLISH GOOD CAUSE TO PROHIBIT THE
DISCLOSURE OF HER TESTIMONY TO NON-PARTIES**

4

Respondent will consent to an order that Petitioner's deposition testimony shall not be disclosed except for use in connection with this proceeding. Further, that such disclosure shall be limited to the Court, parties, counsel for the parties, Jane Shatz, retained experts, **and to non-parties that counsel has a reasonable and good faith belief have information relevant to the testimony offered by Petitioner and to whom disclosure shall be limited to the relevant testimony.**

10

Petitioner argues that there is no need to discuss the deposition testimony with non-party witnesses. To the contrary, it is not possible to prepare a witness to rebut testimony by a party unless that testimony is disclosed to the witness. For example, non-party witnesses have provided declarations and have testified at deposition with regard to various events that raise questions with regard to Petitioner's parenting skills and judgment. Petitioner has had an opportunity to review such testimony in preparation for her deposition. During the course of Petitioner's deposition, it is anticipated that Petitioner will be examined in regard to such events described by the witnesses. Petitioner's description of such events may vary from the testimony of the non-party witnesses. Before offering testimony in court of non-party witnesses to rebut Petitioner's version of such events, Respondent's counsel will want to present the testimony to the witness so that he/she has the opportunity to address the factual allegations made by Petitioner. Respondent's counsel should not be required to present witnesses in court and guess what their rebuttal testimony will be. Moreover, Respondent has offered that the transcript shall not be released to such witnesses, and to limit the disclosure to only the relevant testimony.

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IV.

2 **PETITIONER'S REQUEST FOR BLANKET SEALING OF THE TRANSCRIPT AND**
3 **DOCUMENTS THAT CONTAIN PORTIONS OF THE TESTIMONY IS OVER BROAD**

4 Petitioner's request for a blanket sealing order of her deposition testimony is
5 broader than the existing order governing sealing of the pleadings. Respondent will
6 consent to a more reasonable order that the deposition transcript and any other
7 documents submitted to the Court that contain portions of the testimony shall be
8 submitted under seal to the extent such testimony contains information of the kind
9 which is to be redacted and sealed under the sealing order entered September 17,
10 2007, and the same procedures regarding redacting and sealing as described in that
11 order shall apply to such testimony.

12
13 Dated: October 24, 2007

Respectfully submitted,

14
15 KAPLAN & SIMON, L.L.P.

16 By

17 JAMES M. SIMON
18 Attorneys for Respondent
19 KEVIN FEDERLINE

20
21 KAPLAN & SIMON, L.L.P.
22 ATTORNEYS AT LAW
23 2049 CENTURY PARK EAST, SUITE 2660
24 LOS ANGELES, CALIFORNIA 90067
25 TELEPHONE: (310) 277-9009
26 FACSIMILE: (310) 552-1970

27 8/27/07/2007/2007
28

DECLARATION OF JAMES M. SIMON

I, JAMES M. SIMON, hereby declare as follows:

3 1. Our office served formal notice of Petitioner's deposition on November 9,
4 2006, January 2, 2007, August 8, 2007 and September 14, 2007. Each of the four
5 notices included that Respondent may record the testimony by videotape. In addition,
6 we sent numerous letters to the various attorneys representing Petitioner in the course
7 of these proceedings in an attempt to obtain a firm date for Petitioner's deposition. On
8 September 26, 2007, I received a letter from Tara Scott offering a date of October 22,
9 2007 for Petitioner's deposition, which date we accepted. On October 15, 2007, we
10 received the letter from Anne Kiley attached as Exhibit F to the moving papers
11 requesting a protective order. This letter, one week before the scheduled deposition, is
12 the first notice we received of a request for a protective order.

13 2. At the conclusion of the *ex parte* hearing on October 17, 2007, I asked
14 Ms. Kiley if I should meet and confer with her with regard to the requested protective
15 order. Ms. Kiley requested that I confer with Tara Scott and Hilary Slevin. When I
16 returned to the office, I called Ms. Scott and advised her that I was preparing a letter to
17 state our position and she requested that I direct my letter to Ms. Slevin. I prepared
18 and faxed the same day my letter to Ms. Slevin attached as Exhibit G to Petitioner's
19 moving papers. The only response I received to my letter was a letter from Ms. Slevin
20 on October 18, 2007, a copy of which is attached hereto as **Exhibit A**, stating that she
21 had not had a chance to discuss the proposal with Ms. Kiley. Later that same day, I
22 received a telephone call from Mary Arnold, deputy clerk, that the Court requested a
23 conference call with regard to the subject motion filed by Petitioner and this request had
24 been relayed to Lori Howe. This was the first notice we received with regard to the
25 motion. I immediately telephoned Ms. Howe and complained about the lack of
26 communication to our office and the failure to meet and confer. Ms. Howe responded
27 that Petitioner would not agree to a videotape of her deposition and would not agree to
28 any disclosure of her testimony to non-parties, and Petitioner had to get her motion filed

1 before the scheduled deposition date. Petitioner's motion was later faxed to us at 5:00
2 p.m. that day by Petitioner's counsel.

3 3. We agree that there are numerous examples of the media obtaining
4 information with regard to closed hearings. For example, on October 2, 2007, it was
5 reported on the website www.people.com that Sorrell Trope told People magazine that
6 a reason behind the judge's ruling for temporary loss of custody

7 "was a claim by Mr. Federline's attorney that she had not complied with a
8 previous order the court had made - before I came on board (as lawyer) -
9 about having a random drug and alcohol test. Trope adds: 'There's no
10 evidence that she actually failed a test.'"

11 A copy of this article is attached hereto as **Exhibit B**.

12 4. On October 9, 2007, it was reported on www.people.com, as follows:
13 "Britney Spears's attorney says the singer has been passing her court-
14 ordered random drug tests. 'She's passed her random drug tests,' her
15 lawyer, Sorrell Trope, tells PEOPLE exclusively. 'There's been more than
16 one. They came up negative.' Trope said the singer's chances of
17 regaining 50-50 custody of sons Sean Preston, 2 and Jayden James, 1
18 are 'good based on the overall circumstances of the case.'"

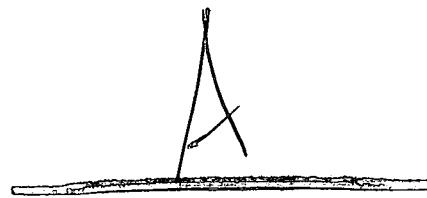
19 A copy of this article is attached hereto as **Exhibit C**.

20 I declare under penalty of perjury under the laws of the State of California that
21 the foregoing is true and correct.

22 Executed on October 24, 2007 at Los Angeles, California.

23
24 JAMES M. SIMON
25
26
27
28

EXHIBIT



1/80/80
00

LAW OFFICES

Trope and Trope

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12121 WILSHIRE BOULEVARD-SUITE 801

SONNICK TROPE*
 RUEGEN L. TROPE
 STEVEN KNOWLES†
 MARK S. PATT
 THOMAS PAINE DUNLAP†
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 (323) 873-2720TELECOPIER
 (310) 826-1122*Los Angeles, California 90025*

October 18, 2007

VIA FACSIMILE ONLY

James M. Simon
 Kaplan & Simon, LLP
 2049 Century Park East, Suite 2660
 Los Angeles, CA 90067

Re: Marriage of Spears/Federline

Dear Jim:

I am receipt of today's letter regarding the confidentiality agreement. As you know, Anne's back is out and I am told that she is at the doctors now and in a lot of pain. Therefore, I have not had a chance to discuss your proposal with her and probably will not until later today.

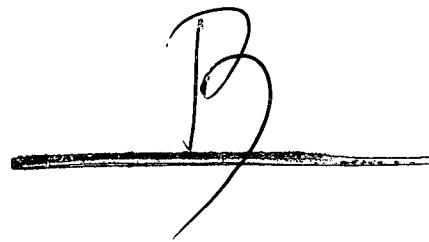
Very truly yours,

TROPE AND TROPE


 Hilary Slevin

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EXHIBIT



87/80/90



- Try People and Style Watch
- Give the Gift of PEOPLE
- Magazine Customer Service

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OCTOBER 23, 2007

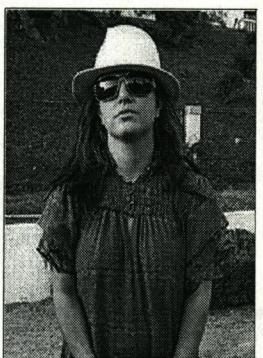
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- California Fires Force Stars to Evacuate, Disrupt Filming
- Gretchen Mol Has a Son
- Mariah Carey Wants Stable Marriage Before Kids
- Reese Witherspoon Agrees: Jake Gyllenhaal Is 'Cute'
- VIDEO: Ellen Has a Laugh About Her Crying

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Britney Spears
PHOTO BY: INF

"Specifically," Trope says, "the judge ordered that by 10 a.m. (Monday) morning, both parties show valid California driving licenses. I've been unable to produce evidence of that."

Later Monday, after handing over her sons to a bodyguard of Federline's, Spears applied for a California driver's license in Van Nuys.

Spears, 25, has been charged with misdemeanor driving without a valid license and hit-and-run following a fender-bender in a store parking lot on Aug. 6.

Britney's Drug-Test Issue

Trope says another reason behind the judge's temporary custody ruling "was a claim by Mr. Federline's attorney that she had not complied with a previous order the court had made – before I came on board (as lawyer) – about having a random drug and alcohol test."

Trope adds: "There's no evidence that she actually failed a test."

However, the courts see the failure to take a test as the same thing as not passing the test.

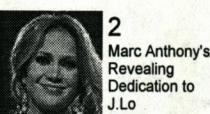
Another hearing is set for Wednesday.

Federline's attorney declined to comment in detail on the court proceeding. But a source close to Federline says he was "thrilled" after receiving news of the temporary custody change.

See [Britney Spears video from CNN.com](#).



1 Actress Hunter Tylo's Son Drowns
The Bold and the Beautiful star's son was pronounced dead on Thursday



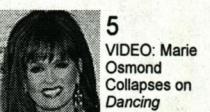
2 Marc Anthony's Revealing Dedication to J.Lo



3 Britney Spears Regains Visitation Rights

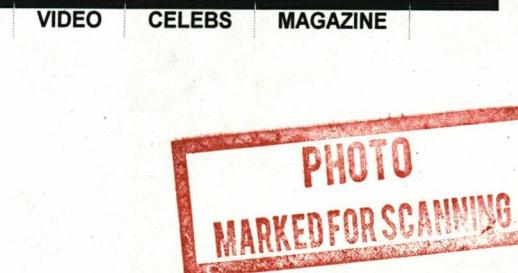


4 Renée Zellweger on Leaving L.A. and E-Mailing Clooney



5 VIDEO: Marie Osmond Collapses on Dancing

LAST UPDATE: Tuesday October 23, 2007 10:05PM EDT
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- FIRST LISTEN: Four Britney Spears Songs
- Accident Victim: Britney's Personal Apology Unnecessary

EXHIBIT

C

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EXHIBIT C



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- Give the Gift of PEOPLE
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Grease fighting **PLUS** tough food cleaning

HOME NEWS PHOTOS STYLE INSIDER VIDEO CELEBS MAGAZINE

OCTOBER 23, 2007

LATEST NEWS!

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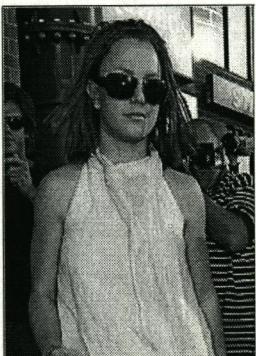
\$180,000 Mortgage for \$999/Mo. Calculate Payment- Refi Now!

Lose 15 Pounds Oprah and ABC featured Hoodia. It works for dieters. Try a Free Sample.

Lawyer: Britney Spears Is Passing Random Drug Tests

TUESDAY OCTOBER 09, 2007 04:00 PM EDT

By Ken Lee

Britney Spears
PHOTO BY: INF

Britney Spears's attorney says the singer has been passing her court-ordered random drug tests.

"She's passed her random drug tests," her lawyer, Sorrell Trope, tells PEOPLE exclusively. "There's been more than one. They came up negative."

Trope said the singer's chances of regaining 50-50 custody of sons Sean Preston, 2, and Jayden James, 1, are "good, based on the overall circumstances of the case."

A spokesperson for the court would not comment on the drug tests. Kevin Federline's lawyer Mark Vincent Kaplan was not immediately available for comment.

As far as working with her court-mandated parenting coach, Trope stated, "As far as I know, there have been no complaints."

Last month, Los Angeles Superior Court Commissioner Scott Gordon ruled that Spears is a "habitual, frequent and continuous" user of alcohol and controlled substances, and ordered her to undergo twice-weekly random testing.

Two weeks later, she was temporarily stripped of custody, and her ex-husband, Kevin Federline, retains physical custody of the boys for now.

On Oct. 3, Spears was granted monitored visitation rights with her sons, and must complete a litany of orders by the next hearing date of Oct. 26.

Meanwhile, the arraignment in her driving-related misdemeanors case was postponed until Oct. 25.

However, Commissioner Rebecca Omens ordered Spears be booked, which includes being photographed and fingerprinted, at a police station before that date.

More News

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The Bold and the Beautiful star's son was pronounced dead on Thursday

2 Marc Anthony's Revealing Dedication to J.Lo



3 Britney Spears Regains Visitation Rights



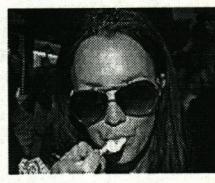
4 Renée Zellweger on Leaving L.A. and E-Mailing Clooney



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LAST UPDATE: Tuesday October 23, 2007 10:05PM EDT

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Britney Spears Regains Visitation Rights

FIRST LISTEN: Four Britney Spears Songs

Accident Victim: Britney's Personal Apology Unnecessary

Kevin's Lawyer: Britney Will Get Visitation Back Soon

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Marie Osmond dances, collapses

'Lions for Lambs'

Inside '...The Fire'

Kid Rock arrested near Atlanta

The most buzzed about stars this minute!

1. Who is #1?
FIND OUT NOW

2. Jennifer Lopez

3. Angelina Jolie

4. Brad Pitt

5. Renée Zellweger



Full Name
Address
City
State/Province
Zip/PO
E-mail

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 2660, Los Angeles, California 90067.

On October 24, 2007, I served the document described as RESPONDENT'S RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE RE PROTECTIVE ORDER on the interested parties in this action two copies thereof, as follows:

Tara L. Scott, Esq.
Trope and Trope
12121 Wilshire Blvd., Suite 801
Los Angeles, CA 90025

[] BY MAIL

I caused such envelope(s) to be deposited in the mail at Los Angeles, California.

[] I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

[] VIA OVERNITE EXPRESS: I caused such envelope to be deposited in an Overnite Express Drop-Off Box regularly maintained by Overnite Express at the Century Plaza Towers, Los Angeles, California. The envelope was designated for next business day delivery, with all charges billed to sender.

BY PERSONAL SERVICE: I caused delivery of such envelope by hand to the offices of the addressee.

BY FACSIMILE TRANSMISSION: I caused the above document to be served via facsimile transmission to the party(ies) at the facsimile telephone number(s) listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

24 Executed on October 24, 2007 at Los Angeles, California.

E. Che
Elizabeth Che

MEDIA AGENCY (name): Getty Images CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): Nick Schober ADDRESS: 6300 Wilshire Blvd, 16th Fl, LA, CA 90048 TELEPHONE NO.: 323-202-4295		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT OCT 24 2007 JOHN A. CLARKE, CLERK <i>Wm Arnold</i> BY M. ARNOLD, DEPUTY CASE NUMBER: BD 455002
Insert name of court and name of judge; district and branch court, if any.		
TITLE OF CASE: Britney Spears v. Kevin Federline		
NAME OF JUDGE: Scott Gordon		
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE		

AGENCY MAKING REQUEST (name):

1. a. No hearing was held.
 b. Date of hearing: _____ Time: _____ Dept/Div.: _____ Room: _____
 2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
 3. THE COURT FINDS (findings or a statement of decision are optional): Attached As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is

- denied.
- granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
 - The local rules of this court regulating media activity outside the courtroom (copy attached).
 - The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 - Payment to the clerk of increased court- incurred costs of (specify): \$ _____ to be determined.
 - The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
 - Personnel and equipment shall be placed as directed as indicated in the attachment as follows (specify):
- The attached statement of agreed pooling arrangements is approved.
- A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
- This order
 - shall not apply to allow coverage of proceedings that are continued.
 - shall apply to allow coverage of proceedings that are continued.
- Other (specify): _____

5. Coverage granted in item 4b is permitted in the following proceedings:

- All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
- Only the following proceedings (specify type or date or both): _____

6. The order made on (date): _____ is terminated modified as follows (specify): _____

7. Number of pages attached:

OCT 24 2007

SCOTT M. GORDON

JUDGE

Page 1 of 2

(See reverse for additional information)

CASE NAME:

- *Britney Spears v. Kevin Federline*

CASE NUMBER:

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

1. Importance of maintaining public trust and confidence in the judicial system	11. Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness
2. Importance of promoting public access to the judicial system	12. Effect on excluded witnesses who would have access to the televised testimony of prior witnesses
3. Parties' support of or opposition to the request	13. Scope of the coverage and whether partial coverage might unfairly influence or distract the jury
4. Nature of the case	14. Difficulty of jury selection if a mistrial is declared
5. Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims	15. Security and dignity of the court
6. Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding	16. Undue administrative or financial burden to the court or participants
7. Effect on the parties' ability to select a fair and unbiased jury	17. Interference with neighboring courtrooms
8. Effect on any ongoing law enforcement activity in the case	18. Maintaining orderly conduct of the proceeding
9. Effect on any unresolved identification issues	19. Any other factor the judge deems relevant
10. Effect on any subsequent proceedings in the case	

PROHIBITED COVERAGE (Rule 1.150)

This order does not permit photographing, recording, or broadcasting of the following in the court:

1. The jury or the spectators	5. A conference between counsel and the judge at the bench ("sidebars")
2. Jury selection	6. A proceeding closed to the public
3. A conference between an attorney and a client, witness, or aide	7. A proceeding held in chambers
4. A conference between attorneys	

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

NOTE: These requirements apply unless the judge orders otherwise. Refer to the order for additional requirements.

1. No more than one television camera	6. No distracting sounds or lights
2. No more than one still photographer	7. No visible signal light or device that shows when equipment is operating
3. No more than one microphone operator and no obtrusive microphones or wiring	8. No disruption of proceedings, nor public expense, to install, operate, or remove modifications to existing sound and lighting systems
4. No operator entry or exit or other distraction when the court is in session	9. No media agency insignia or marking on equipment or clothing
5. No moving equipment when the court is in session	

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

00/00/00

MEDIA AGENCY (name): Getty Images	CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST (name): Nick Schober	ADDRESS:
6300 Wilshire Blvd, 16th Fl, LA, CA 90048	TELEPHONE NO.: 323-202-4295
Insert name of court and name of judicial district and branch court, if any:	
TITLE OF CASE: Britney Spears v. Kevin Federline	
NAME OF JUDGE: Scott Gordon	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	
FOR COURT USE ONLY	
FILED	
LOS ANGELES SUPERIOR COURT	
OCT 24 2007	
JOHN A. CLARKE, CLERK	
Wm. Arnold	
BY M. ARNOLD, DEPUTY	
CASE NUMBER: BD455662	

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):
Inside the courtroom, trial.

2. DATE OF PROPOSED COVERAGE (specify): (File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):
10/26/2007

3. TYPE OF COVERAGE

a. <input type="checkbox"/> TV camera and recorder	d. <input type="checkbox"/> Audio
b. <input checked="" type="checkbox"/> Still camera	e. <input type="checkbox"/> Other (specify):
c. <input type="checkbox"/> Motion picture camera	

4. SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):

5. INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$
 Amount unknown

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 1.150).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date:

Nick Schober
(TYPE OR PRINT NAME)

Nick Schober
(SIGNATURE)

Telephone No.:

Assignment Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (A hearing is optional.)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

EVALUATOR (Name and address): Jane E. Shatz Ph.D. 9400 Brighton Way Suite 407 Beverly Hills, Ca 90210		FOR COURT USE ONLY
TELEPHONE NO.: 310.288.0264 E-MAIL ADDRESS (Optional): jshatz@jshatz.com		FAX NO. (Optional): 310.288.0527
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street Dept CE88 MAILING ADDRESS: 111 N. Hill Street Dept CE88 CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		FILED LOS ANGELES SUPERIOR COURT OCT 23 2007 JOHN A. CLARKE, CLERK <i>Wm. Arnold</i> BY M. ARNOLD, DEPUTY
PETITIONER/PLAINTIFF: Britney Spears RESPONDENT/DEFENDANT: Kevin Federline		CASE NUMBER: BD 455 662
DECLARATION OF PRIVATE CHILD CUSTODY EVALUATOR REGARDING QUALIFICATIONS		

1. I, (name): Jane E. Shatz, declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. On (date): , I was appointed by the court to perform a child custody evaluation in this case.

LICENSING REQUIREMENTS

- I am licensed as a psychologist, marriage and family therapist, or clinical social worker;
- I am licensed as a physician and I am a board-certified psychiatrist or I have completed a residency in psychiatry; or
- I am not licensed as indicated in 3a or 3b.

NOTICE: If item 3c is checked, the court may not appoint the person to perform a child custody evaluation in this case unless, under Family Code section 3110.5(d) and rule 5.225(c)(2)(B) of the California Rules of Court, all the following criteria have been met:

- (1) The court determined that there are no evaluators who meet the licensing requirements who are willing and available, within a reasonable period of time, to perform child custody evaluations;
- (2) The parties have stipulated that the person may conduct the evaluation; and
- (3) The court approves the person's appointment.

EDUCATION AND TRAINING REQUIREMENTS

4. I have completed:
 - The basic and advanced domestic violence training requirements for a private child custody evaluator under rule 5.225(e); and
 - The 40 hours of education and training requirements for a private child custody evaluator under rule 5.225(d).
5. I have completed:
 - The annual 8 hours of update training requirements for a private child custody evaluator under rule 5.225(h); and
 - The annual 4 hours of domestic violence update training requirements for a private child custody evaluator under rules 5.225 and 5.230.

EXPERIENCE REQUIREMENTS

6. I have complied with the experience requirements for a private child custody evaluator in rule 5.225(g) because I participated in the completion of four court-appointed child custody evaluations in the preceding three years. I (specify):
 - Independently conducted and completed the child custody evaluations as stated in rule 5.225(g)(1)(A);
 - Materially assisted another evaluator as stated in rule 5.225(g)(1)(B); or
 - Complied with the requirements stated in rule 5.225(g)(2), and I am deemed to meet the experience requirements of rule 5.225(g) until December 31, 2009.

EVALUATOR'S NAME:	Jane E. Shatz Ph.D.	CASE NUMBER:
PETITIONER/PLAINTIFF:	Britney Spears	BD 455 662
RESPONDENT/DEFENDANT:	Kevin Federline	

EXPERIENCE REQUIREMENTS (continued)

7. I have not complied with the experience requirements for child custody evaluators in rule 5.225(g)(1).

NOTICE: If item 7 is checked, the court may not appoint a court-connected evaluator to perform a child custody evaluation unless, under rule 5.225(g)(3), all the following criteria have been met:

- a. The court determined that there are no child custody evaluators who meet the experience requirements for child custody evaluators who are willing and available, within a reasonable period of time, to perform child custody evaluations;
- b. The parties have stipulated that the person may conduct the evaluation; and
- c. The court approves the person's appointment.

USE OF INTERNS

8. I intend to use interns to assist with the child custody evaluation in the manner disclosed and agreed to by the parties and attorneys in the case. Each intern will have complied with the criteria of rule 5.225(f) and will work under my supervision at all times.

NOTICE

Private child custody evaluators must complete this form and file it with the clerk's office no later than 10 days after notification of each appointment and before beginning any work on the child custody evaluation.
(Cal. Rules of Court, rule 5.225(k)(1)(B))

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Jane Ellen Shatz, Ph.D.
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

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Redacted

1 TROPE AND TROPE
2 SORRELL TROPE (State Bar 21103)
3 LORI A. HOWE (State Bar 152060)
4 TARA L. SCOTT (State Bar 217781)
5 Attorneys at Law
6 12121 Wilshire Boulevard
7 Suite 801
8 Los Angeles, California 90025-1171

9 Telephone: 310-207-8228; 323-879-2726

10 Attorneys for Petitioner,
11 BRITNEY SPEARS

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES

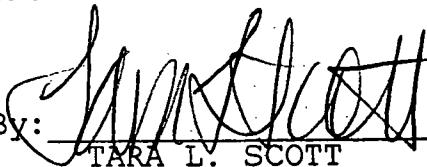
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15 In re Marriage of) CASE NO. BD 455 662
16 Petitioner: BRITNEY SPEARS) CONDITIONALLY UNDER SEAL
17 and) DECLARATION OF SABI
18 Respondent: KEVIN FEDERLINE) ZAVALA
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101 Petitioner hereby respectfully submits the following
102 Declaration of Sabi Zavala for the hearing regarding child custody
103 scheduled for hearing on October 26, 2007 at 1:30 p.m.

104 Dated: October 23, 2007

105 TROPE AND TROPE

106 By: 
107 TARA L. SCOTT
108 Attorneys for Petitioner,
109 Britney Spears

Sealed and Removed

Entire Document

ORIGINAL

1 MARK VINCENT KAPLAN (SBN 58836)
2 JAMES M. SIMON (SBN 109913)
3 KAPLAN & SIMON, L.L.P.
4 2049 Century Park East, Suite 2660
5 Los Angeles, California 90067
6 Telephone: (310) 277-9009
7 Facsimile: (310) 552-1970

5 Attorneys for Respondent
KEVIN FEDERLINE

FILED
LOS ANGELES SUPERIOR COURT

OCT 22 2007

JOHN A. CLARKE, CLERK
W. Arnold
BY M. ARNOLD, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

11 In re Marriage of:) CASE NO. BD 455 662
12 Petitioner: BRITNEY SPEARS) RESPONDENT'S EVIDENTIARY
13 and) OBJECTIONS TO RESPONSIVE
14) DECLARATION OF TARA SCOTT RE
15) RESPONDENT'S OSC FOR
16) ATTORNEY FEES AND COSTS
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18 Respondent: KEVIN FEDERLINE) UNDER SUBMISSION
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24 Dated: October 22, 2007 Respectfully submitted,

KAPLAN & SIMON, L.L.P.

By

~~JAMES M. SIMON
Attorneys for Respondent
KEVIN FEDERLINE~~

DECLARATION OF TARA SCOTT

I, TARA SCOTT, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California, and I am an associate of the firm of Trope and Trope, attorneys of record for Petitioner herein. I have firsthand, personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto.

2. I am one of the attorneys primarily responsible for the day to day management of Petitioner's case, and I submit this declaration in response to the "Keech" declaration submitted on behalf of Respondent, by Mark Vincent Kaplan.

10 3. Petitioner filed her Income and Expense declaration on October 10, 2007.
11 Therein, she agrees that she has the ability to pay "an reasonable amount of attorney
12 fees and costs." as determined by this Court.

13 4. I have reviewed Respondent's request for attorney fees, and the
14 accompanying declaration and billing statement filed by his counsel, Mark Vincent
15 Kaplan, as well as the correspondence and pleading files in this matter.

16 5. As is detailed below, and based upon my experience, I do not believe that
17 the fees and costs incurred by Respondent in conjunction with his Order to Show
18 Cause have been reasonable.] [1. Vague (experience not defined); lacks foundation for
19 expert opinion, Evidence Code § 801; conclusion; .]

20 6. **Preparation of OSC re: custody:** In reviewing the billing statements, it
21 appears that the OSC re: custody currently pending was prepared of the course of
22 approximately one week in August 2007. [During that one week, Respondent's
23 attorneys spent 51.5 hours preparing the OSC re: custody and visitation.] [2. Best
24 evidence is billing statement; Misstates the evidence (billing statement); lacks
25 foundation.] Given that it appears that Mr. Simon and Mr. Kaplan--two highly competent
26 and experienced attorneys--appear to have primarily prepared the pleading, [51.5 hours
27 seems an inordinate amount of time for a fairly straight forward pleading.] [3. Best

1 evidence is billing statement; Misstates the evidence (billing statement); lacks
2 foundation; argumentative.]

3 7. **Preparation of Subpoenas:** [Respondent's billing statements also reveal
4 that 3 subpoenas were prepared for 9 individuals located in the State of California
5 during the second week of August.] [4. Best evidence is billing statement; Misstates the
6 evidence (billing statement); lacks foundation.] [In my experience, preparation of a
7 subpoena, takes approximately one-half to one hour, depending upon whether or not
8 documents are being requested.] [5. Vague, experience not defined; conclusion; lacks
9 foundation for expert opinion, Evidence Code § 801.] [Respondent's billing records
10 reveal that the preparation of the subpoenas took approximately 8 hours.] [6. Best
11 evidence is billing statement; Misstates the evidence (billing statement); lacks
12 foundation.]

13 8. **Outside fees:** In addition to attorney fees, Respondent has incurred
14 significant fees hiring a process server, Aaron Cohen, [who is described as "a former
15 Israeli army counter-terrorism commander."] [7. Hearsay; lacks foundation.] The firm is
16 identified on the billing records as IMS Security. It appears from the billing records that
17 IMS Security has served, at most approximately 4 subpoenas for depositions, and 2
18 for records only. [The cost for the service of the 6 subpoenas is a staggering \$23,000,
19 or almost \$6,000 per subpoena.] [8. Lacks foundation (no foundation that other
20 investigative services and attempts to serve other witnesses were not performed;
21 conclusion; argumentative.] Further, the four individuals served should not have been
22 difficult to find, nor should they have been difficult to serve given that they live in Los
23 Angeles, and are routinely spotted by various media outlets around town] [9. Lacks
24 foundation; conclusion, argumentative.] It appears that Respondent's use of IMS
25 Security is mostly for dramatic purposes, as IMS Security has served these individuals,
26 generally at night, at various locales where paparazzi would be present, and on
27 occasion IMS Security has been accompanied by Respondent's counsel, who then
28 gives a statement to the press.] [10. Lacks foundation; conclusion: argumentative;

1 violation of Rule 5-200, Rules of Professional Conduct (no factual basis whatsoever for
2 false statements that Respondent's counsel accompanied process server and then
3 gave statements to press.) [While Respondent and his counsel are certainly entitled to
4 "grandstand" about their position or create photo opportunities, Petitioner should not
5 bear unnecessary costs related to this.] [11. Lacks foundation; conclusion,
6 argumentative; violation of Rule 5-200, Rules of Professional Conduct.]

7 9. In sum, while Petitioner has the ability to pay reasonable fees, [a
8 significant amount of Respondent's attorney fees and costs have not been reasonably
9 incurred] [12. Argumentative; lacks foundation.]

10 I declare under penalty of perjury under the laws of the State of California that
11 the foregoing is true and correct.

12 Executed on October 19, 2007 at Los Angeles, California.

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14 TARA SCOTT
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1 MARK VINCENT KAPLAN (SBN 58836)
2 JAMES M. SIMON (SBN 109913)
3 KAPLAN & SIMON, L.L.P.
4 2049 Century Park East, Suite 2660
5 Los Angeles, California 90067
6 Telephone: (310) 277-9009
7 Facsimile: (310) 552-1970

8 Attorneys for Respondent
9 KEVIN FEDERLINE

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

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17 In re Marriage of:) CASE NO. BD 455 662
18 Petitioner: BRITNEY SPEARS) COURT'S RULING ON RESPONDENT'S
19 and) EVIDENTIARY OBJECTIONS TO
20) DECLARATION OF TARA SCOTT
21) DATED 10/19/07
22 Respondent: KEVIN FEDERLINE) Comr. Scott M. Gordon
23) Dept: 88
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OBJECTION NO.	SUSTAINED	OVERRULED
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1 PROOF OF SERVICE
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4 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**
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6 I am employed in the County of Los Angeles, State of California. I am over the
7 age of 18 and not a party to the within action; my business address is 2049 Century
8 Park East, Suite 2660, Los Angeles, California 90067.

9 On October 22, 2007, I served the foregoing document described as:
10 **RESPONDENT'S EVIDENTIARY OBJECTIONS TO RESPONSIVE DECLARATION
11 OF OF TARA SCOTT RE RESPONDENT'S OSC FOR ATTORNEY FEES AND
12 COSTS** on the interested parties in this action by placing [] the original [X] a true copy
13 thereof enclosed in sealed envelope(s) addressed as follows:

14 Tara L. Scott, Esq.
15 Trope and Trope
16 12121 Wilshire Blvd., Suite 801
17 Los Angeles, CA 90025

18 [] BY MAIL

19 [] I caused such envelope(s) to be deposited in the mail at Los Angeles,
20 California.
21 [] I am "readily familiar" with the firm's practice of collection and processing
22 correspondence for mailing. It is deposited with the U.S. postal service on
23 that same day in the ordinary course of business. I am aware that on
24 motion of party served, service is presumed invalid if postal cancellation
25 date or postage meter date is more than 1 day after date of deposit for
mailing in affidavit.
26
27 [X] BY PERSONAL SERVICE: I caused delivery of such envelope by hand to the
28 offices of the addressee.
29
30 [] BY FACSIMILE TRANSMISSION: I caused the above document to be served
31 via facsimile transmission by service to each party at their facsimile telephone
32 number listed above.

33 I declare under penalty of perjury under the laws of the State of California that
34 the above is true and correct.

35 Executed on October 22, 2007 at Los Angeles, California.

36 
37 Jodi L. Simon
38

1 TROPE AND TROPE
2 SORRELL TROPE (State Bar 21103)
3 LORI A. HOWE (State Bar 152060)
4 TARA L. SCOTT (State Bar 217781)
5 Attorneys at Law
6 12121 Wilshire Boulevard
7 Suite 801
8 Los Angeles, California 90025-1171
9
10 Telephone: 310-207-8228; 323-879-2726
11
12 Attorneys for Petitioner,
13 BRITNEY SPEARS

~~FILED~~
LOS ANGELES SUPERIOR COURT
OCT 22 2007
JOHN A. CLARKE, CLERK
L.M. Arnold
BY M. ARNOLD, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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ORIGINAL

In re Marriage of SPEARS/FEDERLINE L.A.S.C. Case No. BD 455 662

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 12121 Wilshire Boulevard, Suite 801, Los Angeles, California 90025.

On, October 19, 2007, I served the foregoing documents described as **SUPPLEMENTAL DECLARATION OF TARA SCOTT, IN SUPPORT OF PETITIONER'S MOTION FOR PROTECTIVE ORDER** on the interested party(ies) in this action:

BY PLACING

[] the original **[X]** a true copy thereof enclosed in sealed envelopes addressed as follows:

11 Mark V. Kaplan, Esq.
12 James M. Simon, Esq.
13 Kaplan & Simon
14 2049 Century Park E #2660
15 Los Angeles, CA 90067

VIA MAIL

[X] I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at 12121 Wilshire Blvd., Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

VIA TELECOPIER

A copy of the above-referenced document(s) was transmitted, via facsimile transmission, to the above addressee on said date.

I declare, under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed October 19, 2007, at Los Angeles, California.

Monelle Haber
MONELLE HABER

Confirmation Report – Memory Send

Time : 10-19-07 04:06pm
Tel line : 13108261122
Name : TROPE & TROPE

Job number : 291
Date : 10-19 04:03pm
To : 13105521970
Document pages : 13
Start time : 10-19 04:03pm
End time : 10-19 04:06pm
Pages sent : 13
Status : OK

*** SEND SUCCESSFUL ***

LAW OFFICES

Trope and Trope
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
12121 WILSHIRE BOULEVARD-SUITE 601
Los Angeles, California 90025

310-207-8228
323-879-2726
TELECOPIER
310-826-1122

October 12, 2007

MICHELLE R. PAY
• MIGRANT SPECIALIST • FAMILY LAW
• CERTIFIED SPECIALIST • APPELLATE LAW
THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION
PROFESSIONAL CORPORATION NAME:

James M. Simon/Mark Kaplan
Kaplan & Simon
(310) 552-1970

FROM: NAME:
FIRM:
FAX:

Hillary Slevin
Trope and Trope
319-826-1122

1.1. NUMBER OF PAGES INCLUDING COVER LETTER: 13

- **TOTAL NUMBER OF PAGES IN DOCUMENT:**
- **DOCUMENT(S) TRANSMITTED:** Please see attached pleadings. Hard copies to follow via

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AND CONTACT Monette, EXT. 138**

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1 TROPE AND TROPE
2 SORRELL TROPE (State Bar 21103)
3 LORI A. HOWE (State Bar 152060)
4 TARA L. SCOTT (State Bar 217781)
5 Attorneys at Law
6 12121 Wilshire Boulevard
7 Suite 801
8 Los Angeles, California 90025-1171
9 Telephone: 310-207-8228; 323-879-2726
10
11 Attorneys for Petitioner,
12 BRITNEY SPEARS

FILED
LOS ANGELES SUPERIOR COURT
OCT 22 2007
V JOHN A. CLARKE, CLERK
BY M. ARNOLD, DEPUTY
Arnold

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

11 In re Marriage of) CASE NO. BD 455 662
12)
13 Petitioner: BRITNEY SPEARS) CONDITIONALLY UNDER SEAL
14)
15 and)
16) PROOF OF SERVICE
17 Respondent: KEVIN FEDERLINE)
18) Comm. Scott M. Gordon
19) Dept. 88

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ORIGINAL

1 In re Marriage of SPEARS/FEDERLINE L.A.S.C. Case No. BD 455 662

2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of
5 California. I am over the age of 18 and not a party to the within
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7 801, Los Angeles, California 90025.

8 On, October 19, 2007, I served the foregoing documents
9 described as **RESPONSIVE DECLARATION RE RESPONDENT'S OSC FOR**
10 **ATTORNEY FEES AND COSTS** on the interested party(ies) in this
11 action:

12 **[X] BY PLACING**

13 the original **[X]** a true copy thereof enclosed in sealed
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16 James M. Simon, Esq.
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the party served, service is presumed invalid if postal
cancellation date or postage meter date is more than one day
after date of deposit for mailing in affidavit.

26 **[X] VIA TELECOPIER**

27 A copy of the above-referenced document(s) was transmitted,
28 via facsimile transmission, to the above addressee on said
date.

29 I declare, under penalty of perjury, under the laws of the
30 State of California, that the above is true and correct.

31 Executed October 19, 2007, at Los Angeles, California.

32 
33 **MONELLE HABER**

34

35 **TROPE and TROPE**
36 ATTORNEYS AT LAW
37 12121 WILSHIRE BLVD.
38 LOS ANGELES, CA
39 90025-1171
40 310-207-8228
41 323-879-2726

42 **PROOF OF SERVICE**

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Status : OK

Job number : 291 *** SEND SUCCESSFUL ***

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Los Angeles, California 90025

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TELECOPIER
310-826-1122

October 19, 2007

ONNELL TROPEZ
EDUCNE L. TROPIC
STEVEN WOLSTENHOLME
JOHN W. PATTY
THOMAS MAINE DUNLAP
MARGARET KILEY
JOHN R. L. LEONE T³
JOHN A. CLIFF
ARTHUR GOLL
JOHN H. GOLDBECK
JAMES A. DURANT
JOSEPH P. KOCIN
DORIAN P. LEPAK
JOHN L. LINDEN
BRET R. HUNTER
MARY PINUS WHITE T³
JOHN R. GOODMAN
MICKIE MOYSTON
TARA L. GOGG
JOHN R. HORN
RONI ARDEN ISRAEL
EMIN GARDINER
JOHN G. HARRIS
JOHN G. HAWAII
MELANIE SPORACK
SOPHIE O. RIDLEY
JOHN G. GORDON
JOHN G. GORDON
CHARLOTTE FAUSET PENNY
MICHELLE R. FAY

7. **CRIMINAL SPECIALIST** - FAMILY LAW
8. **CERTIFIED SPECIALIST** - APPELLATE LAW
THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION
PROFESSIONAL CONFORMITY

James M. Simon/Mark Kaplan
Kaplan & Simon
(310) 552-1970

FROM: NAME:
FIRM:
MAIL

Hillary Slevin
Trope and Trope
710-526-1122

— TOTAL NUMBER

Hillary Slevin
Trope a
718-826-1132

58

- **TOTAL NUMBER OF PAGES INCLUDING COVER LETTER: 13**
- **DOCUMENT(S) TRANSMITTED:** Please see attached pleadings. Hard copies to follow via
- **MESSAGE:** Re: In Re Marriage of SPEARS/FEDERLINE
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1 TROPE AND TROPE
2 SORRELL TROPE (State Bar 21103)
3 LORI A. HOWE (State Bar 152060)
4 TARA L. SCOTT (State Bar 217781)
5 Attorneys at Law
6 12121 Wilshire Boulevard
7 Suite 801
8 Los Angeles, California 90025-1171
9 Telephone: 310-207-8228; 323-879-2726
10
11 Attorneys for Petitioner,
12 BRITNEY SPEARS

FILED
LOS ANGELES SUPERIOR COURT
OCT 19 2007
JOHN A. CLARKE, CLERK
Lyn Arnold
BY M. ARNOLD, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re Marriage of) CASE NO. BD 455 662
Petitioner: BRITNEY SPEARS)
and) SUPPLEMENTAL DECLARATION
Respondent: KEVIN FEDERLINE) OF TARA SCOTT IN SUPPORT
)) OF PETITIONER'S MOTION
)) FOR PROTECTIVE ORDER
)) TIME: 8:30 A.M.
)) DATE: 10/26/2007

Comm. Scott M. Gordon
Dept. 88

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TROPE and TROPE
ATTORNEYS AT LAW
12121 WILSHIRE BLD.
LOS ANGELES, CA
90025-1171
310-207-8228
323-879-2726

2 **DECLARATION OF TARA SCOTT**

3 I, TARA SCOTT, declare as follows:

4 1. I am an attorney at law duly licensed to practice
5 before all courts of the State of California, and I am an
6 associate of the firm of Trope and Trope, attorneys of record for
7 Petitioner herein. I have firsthand, personal knowledge of the
8 facts stated herein, and if called as a witness, I could and would
9 competently testify thereto.

10 2. I submit this supplemental declaration in support
11 of Petitioner's request for a protective order related to the
12 taking of her deposition. The continued leaking of information
13 that is governed by the confidentiality and sealing order further
14 demonstrates why the Court must issue the requested protective
15 order.

16 3. Specifically, on today's date, TMZ.Com has
17 published an article claiming that Petitioner's parenting coach
18 has contacted the Court requesting to be relieved of her duties,
19 specifics about statements that were purportedly made during the
20 closed session earlier this week, and reporting statements
21 attributed to Petitioner that she purportedly made after the
22 hearing she recently attended. A true and correct copy of the
23 TMZ.Com article dated October 19, 2007 is attached hereto as
24 Exhibit "A."

25 4. While the statements made by TMZ are not true,
26 nonetheless, the article demonstrates that in all likelihood
27 someone with reasonable credibility is making statements to TMZ
28 and other media outlets regarding confidential information. As is

1 In re Marriage of SPEARS/FEDERLINE L.A.S.C. Case No. BD 455 662

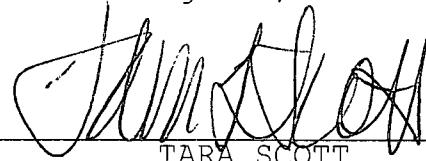
2 outlined in her moving papers, there is a grave concern that if
3 Petitioner's deposition is taken without the protections she has
4 requested in place that it is inevitable that it will be released
5 to the media.

6

7 I declare, under penalty of perjury, under the laws of the
8 State of California, that the foregoing is true and correct.

9 Executed October 19, 2007 at Los Angeles, California.

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TARA SCOTT

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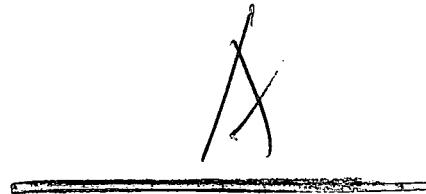
TROPE and TROPE
ATTORNEYS AT LAW
12121 WILSHIRE BLVD.
LOS ANGELES, CA
90025-1171
310-207-8228
323-879-2726

Page 2

DECLARATION OF TARA SCOTT

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EXHIBIT



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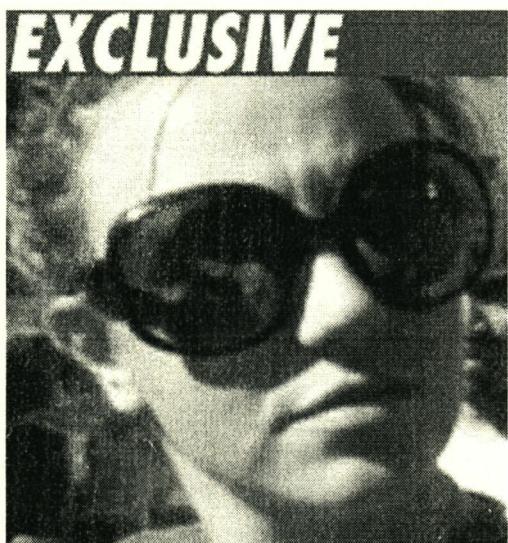
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Brit Does It Again

Posted Oct 19th 2007 12:32PM by [TMZ Staff](#)
Filed under: [Celebrity Justice](#), [Britney Spears](#)



TMZ.com

TMZ has learned that Britney Spears stood up her parenting coach yesterday, and apparently, it's the last straw for the coach.

Sources say Britney had a scheduled time to meet the coach yesterday at her Malibu home. The coach made the trek, but no Britney.

We're told during the hearing earlier this week, the coach phoned in and asked the Commissioner if she could end the home visits, presumably because they were going nowhere. Seems like Britney was ignoring the coach -- like everyone else who gives her advice.

And get this -- after the court hearing last week, as Britney got in the elevator, she said, "Why didn't he (the Commissioner) lock down the building for me?" It's her world, we just live in it.

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9

10 FOR THE COUNTY OF LOS ANGELES

11 In re Marriage of) CASE NO. BD 455 662
12)
13 Petitioner: BRITNEY SPEARS) RESPONSIVE DECLARATION
14 and) RE: RESPONDENT'S OSC FOR
15 Respondent: KEVIN FEDERLINE) ATTORNEY FEES AND COSTS
16) UNDER SUBMISSION
17)

18 / / / Comm. Scott M. Gordon
19 / / / Dept. 88
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DECLARATION OF TARA SCOTT

3 I, TARA SCOTT, declare as follows:

4 1. I am an attorney at law duly licensed to practice
5 before all courts of the State of California, and I am an
6 associate of the firm of Trope and Trope, attorneys of record for
7 Petitioner herein. I have firsthand, personal knowledge of the
8 facts stated herein, and if called as a witness, I could and would
9 competently testify thereto.

10 2. I am one of the attorneys primarily responsible for
11 the day to day management of Petitioner's case, and I submit this
12 declaration in response to the "Keech" declaration submitted on
13 behalf of Respondent, by Mark Vincent Kaplan.

14 3. Petitioner filed her Income and Expense declaration
15 on October 10, 2007. Therein, she agrees that she has the ability
16 to pay "an reasonable amount of attorney fees and costs," as
17 determined by this Court.

18 4. I have reviewed Respondent's request for attorney
19 fees, and the accompanying declaration and billing statement filed
20 by his counsel, Mark Vincent Kaplan, as well as the correspondence
21 and pleading files in this matter.

22 5. As is detailed below, and based upon my experience,
23 I do not believe that the fees and costs incurred by Respondent in
24 conjunction with his Order to Show Cause have been reasonable.

25 6. Preparation of OSC re: custody: In reviewing the
26 billing statements, it appears that the OSC re: custody currently
27 pending was prepared of the course of approximately one week in
28 August 2007. During that one week, Respondent's attorneys spent

1 | In re Marriage of SPEARS/FEDERLINE L.A.S.C. Case No. BD 455 662

2 **51.5 hours preparing the OSC** re: custody and visitation. Given
3 that it appears that Mr. Simon and Mr. Kaplan--two highly competent
4 and experienced attorneys--appear to have primarily prepared the
5 pleading, 51.5 hours seems an inordinate amount of time for a
6 fairly straight forward pleading.

7 7. Preparation of Subpoenas: Respondent's billing
8 statements also reveal that 3 subpoenas were prepared for
9 individuals located in the State of California during the second
10 week of August. In my experience, preparation of a subpoena,
11 takes approximately one-half to one hour, depending upon whether
12 or not documents are being requested. Respondent's billing
13 records reveal that the preparation of the subpoenas took
14 approximately 8 hours.

15 8. **Outside fees:** In addition to attorney fees,
16 Respondent has incurred significant fees hiring a process server,
17 Aaron Cohen, who is described as "a former Israeli army counter-
18 terrorism commander." The firm is identified on the billing
19 records as IMS Security. It appears from the billing records that
20 IMS Security has served, **at most** approximately 4 subpoenas for
21 depositions, and 2 for records only. The cost for the service of
22 the 6 subpoenas is a staggering \$23,000, or **almost \$6,000 per**
23 **subpoena.** Further, the four individuals served should not have
24 been difficult to find, nor should they have been difficult to
25 serve given that they live in Los Angeles, and are routinely
26 spotted by various media outlets around town. It appears that
27 Respondent's use of IMS Security is mostly for dramatic purposes,
28 as IMS Security has served these individuals, generally at night,

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2 at various locales where paparazzi would be present, and on
3 occasion IMS Security has been accompanied by Respondent's
4 counsel, who then gives a statement to the press. While
5 Respondent and his counsel are certainly entitled to "grandstand"
6 about their position or create photo opportunities, Petitioner
7 should not bear unnecessary costs related to this.

8 9. In sum, while Petitioner has the ability to pay
9 reasonable fees, a significant amount of Respondent's attorney
10 fees and costs have not been reasonably incurred.

11

12 I declare, under penalty of perjury, under the laws of the
13 State of California, that the foregoing is true and correct.

14 Executed October 19, 2007 at Los Angeles, California.

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TARA SCOTT

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